

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN K. YOUNG,
Plaintiff,
v.
W. L. MONTGOMERY,
Defendant.

Case No. [15-cv-04780-SI](#)

SCHEDULING ORDER

Re: Dkt. Nos. 6, 7

About a month ago, respondent filed a motion to dismiss Brian Young's federal petition for writ of habeas corpus on the basis of abstention because Young had a habeas petition pending in the California Supreme Court. Docket No. 6. Respondent now requests to withdraw the motion to dismiss because the factual basis for it has ended -- the California Supreme Court has now issued its order denying the state habeas petition. Docket No. 7. Respondent also requests that a briefing schedule be set giving respondent 60 days to respond to the petition.

Upon due consideration, the court GRANTS the request to withdraw the motion to dismiss. Docket No. 7. The motion to dismiss is DISMISSED. Docket No. 6.

The court now sets the following new briefing schedule on the petition: Respondent must file and serve his answer to the petition on or before **July 22, 2016**. Petitioner must file his traverse and serve a copy of it on respondent's counsel on or before **August 19, 2016**.

IT IS SO ORDERED.

Dated: May 12, 2016



SUSAN ILLSTON
United States District Judge